

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

STEVEN VARGO, et al.,

Plaintiffs,

vs.

No. 1:24-cv-00301-SMD-LF

EVO TRANSPORTATION & ENERGY
SERVICES, INC., et al.,

Defendants.

ORDER

THIS MATTER is before the Court on Plaintiffs' Second Motion to Compel Discovery and Request for Discovery Sanctions, Doc. 76. The Court held a hearing on Plaintiffs' motion on September 23, 2025. *See* Doc. 82. For the reasons stated on the record at the hearing, the Court grants Plaintiffs' motion (Doc. 76) and finds that Defendants disobeyed the Court's June 12, 2025, order (Doc. 74):

1. As previously ordered by the Court, Defendants must supplement their responses to Interrogatories 18 to 21 with information that includes drivers who drove under USPS Contract 793L7 by **September 30, 2025**.
2. Additionally, Defendants are ordered to supplement their response to Interrogatory 18 (and any other relevant interrogatory) to include the supervisor newly identified by Clifford Finkle in his 30(b)(6) deposition by **September 30, 2025**. The parties are reminded that "[a]fter the close of discovery, parties must supplement their disclosures or discovery responses as soon as possible, but no later than seven (7) days after learning of the need to supplement." Doc. 14 at 4.

The Court will take under advisement whether it will order discovery sanctions in the form of reasonable expenses pursuant to Federal Rule of Civil Procedure 37(b)(2)(C):

1. By **October 14, 2025**, Plaintiffs may submit an affidavit of the reasonable expenses caused by Defendants' failure to follow the Court's June 12, 2025, order.
2. Defendants' response to Plaintiffs' affidavit of expenses is due within fourteen (14) days after the affidavit of expenses is filed.
3. Plaintiffs' reply, if any, is due within fourteen (14) days after Defendants' response is filed.

IT IS SO ORDERED.



Laura Fashing
United States Magistrate Judge